

REMARKS

By this Amendment, Applicant has amend claims 1, 3, 5-9, 11, 13, and 14, and cancelled claims 2 and 4 without prejudice or disclaimer of their subject matter. Support for the amendments can be found in Applicant's specification at, for example, page 8, line 10-page 12, line 3. Claims 1, 3, and 5-14 remain pending.

In the Office Action¹, the Examiner took following actions:

- (a) rejected claims 2, and 4-9 under 35 U.S.C. § 112, first and second paragraphs;
- (b) rejected claims 1-3, 7-9, 13, and 14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,507,330 to Handschy et al. ("*Handschy*");
- (c) rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Handschy* in view of that which is characterized by the Examiner as Admitted Prior Art ("*APA*");
- (d) rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Handschy* in view of U.S. Patent No. 6,950,220 to Abramson et al. ("*Abramson*"); and
- (f) rejected claims 6 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over *Handschy* in view of U.S. Patent No. 6,961,047 to Katase ("*Katase*").

The rejection of claims 2 and 4-9 under 35 U.S.C. § 112

The rejection of claims 2 and 4 is rendered moot due to the cancellation of claims 2 and 4. Applicant has amended claims 5-9 so that they even more clearly comply with

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

35 U.S.C. § 112, first and second paragraphs. Applicant respectfully requests withdrawal of the rejection of claims 5-9 under 35 U.S.C. § 112.

The rejection of claims 1-3, 7-9, 13, and 14 under 35 U.S.C. § 102(e)

Applicant respectfully traverses the rejection of claims 1-3, 7-9, 13, and 14 under 35 U.S.C. § 102(e) as being anticipated by *Handschy*. The rejection of claim 2 is rendered moot due to the cancellation.

In order to properly establish that *Handschy* anticipates claims 1, 3, 7-9, 13, and 14 under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, (Fed. Cir. 1989).

Handschy fails to disclose each and every element of amended claim 1. For example, *Handschy* does not disclose a “memory for storing a sum [of products of drive voltage values with corresponding polarities and drive period durations], wherein [a] controller is adapted for comparing an absolute value of the sum with a threshold number; and controlling [a] driver to supply a reset pulse to the pixel when the absolute value of the sum surpasses the threshold number” (emphasis added).

The Examiner conceded that *Handschy* does not disclose the above-quoted elements of claim 1, but asserted that *APA* teaches these elements, pointing out the following disclosures of Applicant’s specification as the basis for the assertions: “... *reset pulse operates in the same manner as in the prior art*” See Office Action at page 11 (emphasis added by the Office Action). This is not correct.

Applicant's specification provides that "[i]n an embodiment as defined in claim 4, if the absolute value of the number for a particular pixel surpasses a threshold number, a reset pulse is supplied to the pixel. This reset pulse operates in the same manner as in the prior art." Page 5, lines 10-12. Any "admission" applies only to the manner of operation of the reset pulse.

With respect to the "manner" of the operation of the "reset pulse," Applicant's specification provides that "[t]he reset pulses cause the image displayed to become completely white or black after each sub-frame period." Page 2, lines 1-2. Nothing in the *APA* refers to the claimed "controller." Nor does *APA* disclose that the "controller is adapted for comparing an absolute value of [a] sum with a threshold number; and controlling [a] driver to supply a reset pulse to the pixel when the absolute value of the sum surpasses the threshold number," as recited in amended claim 1 (emphasis added).

Because *Handschy*, either alone or combined with *APA*, fails to disclose each and every element of claim 1, *Handschy* cannot anticipate claim 1. Claim 1 is therefore allowable. Claims 3 and 7-9 are also allowable at least due to their dependence from claim 1.

Independent claims 13 and 14, although of different scope, recite elements similar to those of claim 1. For reasons similar to those discussed with respect to claim 1, independent claims 13 and 14 are also allowable.

Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claims 1, 3, 7-9, 13, and 14 under 35 U.S.C. § 102(e) as being anticipated by *Handschy*.

The rejection of claim 4 under 35 U.S.C. § 103(a)

The rejection of claim 4 is rendered moot due to the cancellation.

The rejection of claim 5 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Handschy* in view of *Abramson*.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. M.P.E.P. § 2142, 8th Ed., 7 (July 2008). “A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences *themselves* would have been obvious, but whether the claimed invention *as a whole* would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

“[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). ... The factual inquiries...[include determining the scope and content of the prior art and]...[a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the

prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III). Here, no *prima facie* case of obviousness has been established, for at least the reason that the Office Action has failed to properly determine the scope and content of the prior art, and has failed to ascertain the differences between the prior art and the claimed combinations.

Claim 5 depends from claim 1 and thus includes each and every element of claim 1. As discussed above, *Handschy* fails to disclose or suggest at least a “memory for storing a sum [of products of drive voltage values with corresponding polarities and drive period durations], wherein [a] controller is adapted for comparing an absolute value of the sum with a threshold number; and controlling [a] driver to supply a reset pulse to the pixel when the absolute value of the sum surpasses the threshold number,” as recited in claim 1 and included in claim 5 (emphasis added).

Abramson fails to cure the deficiencies of *Handschy*. The Examiner asserted that *Abramson* teaches “the display device further comprises a temperature sensor for sensing a temperature of the pixel, and wherein the controller is further adapted for modifying the running total dependent on the temperature (Col. 20. Ln. 2-7).” Office Action at page 12. Even assuming the Examiner’s characterization of *Abramson* is correct, which Applicant does not concede, *Abramson* still fails to disclose or suggest a “memory for storing a sum [of products of drive voltage values with corresponding polarities and drive period durations], wherein [a] controller is adapted for comparing an absolute value of the sum with a threshold number; and controlling [a] driver to supply a reset pulse to the pixel when the absolute value of the sum surpasses the threshold number,” as recited in claim 1 and included in claim 5 (emphasis added).

As set forth above, the Office Action has neither properly determined the scope and content of the prior art nor ascertained the differences between claim 5 and the prior art. Thus, no reason has been articulated as to why one of ordinary skill in the art would find claim 5 obvious. Therefore, a *prima facie* case of the obviousness of claim 5 has not been established, and claim 5 is allowable.

Applicant respectfully requests the Examiner to withdraw the rejection of claim 5 under 35 U.S.C. § 103(a).

The rejection of claims 6 and 10-12 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 6 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over *Handschy* in view of *Katase*.

Claims 6 and 10-12 depend from claim 1 and thus include each and every element of claim 1. As discussed above, *Handschy* fails to disclose or suggest at least a “memory for storing a sum [of products of drive voltage values with corresponding polarities and drive period durations], wherein [a] controller is adapted for comparing an absolute value of the sum with a threshold number; and controlling [a] driver to supply a reset pulse to the pixel when the absolute value of the sum surpasses the threshold number,” as recited in claim 1 and included in claims 6 and 10-12 (emphasis added).

Katase fails to cure the deficiencies of *Handschy*. The Examiner asserted that *Katase* teaches the elements recited in claims 6 and 10-12. Office Action at pages 13-16. Even assuming the Examiner’s characterization of *Katase* is correct, which Applicant does not concede, *Katase* still fails to disclose or suggest the above-quoted elements recited in claim 1 and included in claims 6 and 10-12.

As set forth above, the Office Action has neither properly determined the scope and content of the prior art nor ascertained the differences between claims 6 and 10-12 and the prior art. Thus, no reason has been articulated as to why one of ordinary skill in the art would find claims 6 and 10-12 obvious. Therefore, a *prima facie* case of the obviousness of claims 6 and 10-12 has not been established, and claims 6 and 10-12 are allowable.

Applicant respectfully requests the Examiner to withdraw the rejection of claims 6 and 10-12 under 35 U.S.C. § 103(a).

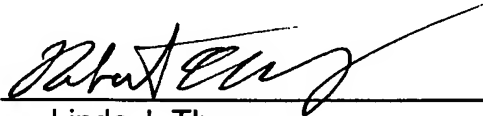
In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 6, 2011

By: 
for Linda J. Thayer
Reg. No. 45,681
(617) 452-1680

Robert E. Converse, Jr.
Reg. No. 27,432